

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

No. 21-CR-00648 KWR/JFR

SARA MONTOYA o/b/o
L.M. a minor child,

Plaintiffs,

v.

RIO RANCHO PUBLIC SCHOOLS,
BOARD OF EDUCATION and
GEORGE ARCHULETA in his
Individually and official capacity,

Defendants.

DEPOSITION OF

MILLAN BACA

MAY 16, 2022

1:00 P.M.

500 4th Street, NW Suite 105
Albuquerque, New Mexico 87102

PURSUANT TO THE NEW MEXICO RULES OF CIVIL PROCEDURE,
this deposition was:

TAKEN BY: TODD J. BULLION
ATTORNEY FOR PLAINTIFFS

REPORTED BY: EDWINA CASTILLO, CCR #407
PAUL BACA COURT REPORTERS
500 4th Street, NW Suite 105
Albuquerque, New Mexico 87102

EXHIBIT T

Page 66

1 **Q. You said yelling was going on. Who was**
 2 **yelling at who?**
 3 A. I believe Mrs. Mondragon, or I think her
 4 name is Cordova, actually, D.M.'s mother.
 5 **Q. Uh-huh.**
 6 A. I believe it's Elsie Cordova, if I recall.
 7 **Q. Uh-huh.**
 8 A. She was yelling, I believe, at
 9 Mr. Affentranger.
 10 **Q. Okay. Was he yelling back?**
 11 A. Not that I recall.
 12 **Q. Okay.**
 13 A. Or not to the same -- not to the same
 14 volume.
 15 **Q. So I think I know what you're getting at**
 16 **here. My wife is really, really loud, yells a lot,**
 17 **and I tell her "please stop yelling," and she**
 18 **says -- yells back at me, "this isn't yelling."**
 19 **You're telling me there's, I think,**
 20 **different levels of yelling in that -- and correct**
 21 **me if I'm understanding this -- that**
 22 **Mr. Affentranger was speaking to Ms. Cordova with a**
 23 **raised voice like louder that he would use in normal**
 24 **conversation, but he wasn't yelling quite as loud as**
 25 **Ms. Cordova; is what you're telling me?**

Page 67

1 A. From what I recall.
 2 **Q. Okay. And what was being said back and**
 3 **forth?**
 4 A. They were insisting that D.M. not be
 5 searched unless one of the parents were present.
 6 And Mr. Affentranger was saying that's not going to
 7 work because we don't have the ability to wait for
 8 people to come to the school to be searched.
 9 **Q. Okay. And did D.M.'s parents indicate**
 10 **that they lived something like five minutes away and**
 11 **could be at the school very quickly?**
 12 A. Yes.
 13 **Q. Okay. And was that, I guess, taken into**
 14 **consideration at all by Mr. Affentranger?**
 15 A. It was rejected.
 16 **Q. Okay. Anything else memorable about that**
 17 **meeting?**
 18 A. They requested that he be seated up front
 19 while waiting for the parent to show up for the
 20 search to occur. That was also rejected.
 21 **Q. And did you provide any input on these**
 22 **requests?**
 23 A. Not that I recall.
 24 **Q. Okay.**
 25 A. Typically when I'm with my principal, I

Page 68

1 let him do the speaking.
 2 **Q. Okay. With the other referrals, can you**
 3 **give us just, you know, an overview of what those**
 4 **were for?**
 5 A. Do you want me to go chronologically?
 6 **Q. However it's convenient for you.**
 7 A. Okay. So I'm sorry, let me look at my
 8 phone real quick. I'm getting a string of text
 9 messages from my admin. group.
 10 **Q. That's fine, go ahead.**
 11 A. Okay. I'm done.
 12 **There was a conflict resolution agreement**
 13 **that was signed between D.M. and a former student by**
 14 **the name of D.S. on the 14th of September, 2018.**
 15 **Q. Okay.**
 16 A. And that one --
 17 **Q. Sorry, go ahead.**
 18 A. Okay. And that was relative to a Snapchat
 19 group that was created, I believe it was relative to
 20 this, involving W.S. pointing A.V., I.M. and D.S.
 21 Actually, no, D.M. I believe -- yeah, and I believe
 22 D.M.
 23 **Q. Okay. And what's the significance of this**
 24 **Snapchat conversation?**
 25 A. W.S. felt -- W.S. and his group were in an

Page 69

1 argument with D.M. and W.S. -- a boy by the name of
 2 D.S. had threatened I.M. that he would jump in if
 3 I.M. jumped A.V. W.S. had said "no straps either
 4 because you all are pussy like that." And strap
 5 being the street name for gun.
 6 **Q. Okay.**
 7 A. Nobody responded when we asked all the
 8 boys involved if they had access to weapons. And we
 9 called the parents and asked them if they had access
 10 to weapons, they all said there were no weapons
 11 present in the homes.
 12 We had asked W.S. why he thought that it
 13 was necessary for him to say, "no straps either."
 14 And he couldn't give us a specific reason, just that
 15 he had heard that a lot of boys were carrying guns
 16 at the time.
 17 **Q. Okay. And is that pretty much it as to**
 18 **why this Snapchat is, you know, of concern to the**
 19 **school?**
 20 A. Well, yeah. Because we were concerned
 21 that rather than -- rather than a fight being
 22 between two individuals, it was starting to mushroom
 23 into large groups of individuals against one
 24 another.
 25 **Q. Okay. And that was the concern is that**

18 (Pages 66 to 69)

Page 146

1 that W.S. wanted him to because he felt that
 2 Mr. Mondragon had been protecting his son.
 3 What the security guards felt was
 4 interesting. Mr. Mangin and his wife and I believe
 5 it could have been -- I forgot who else, but
 6 Mr. Mangin and his wife both worked in the prisons
 7 and they both said that putting on gloves before you
 8 touch somebody is something that they see prisoners
 9 do and they just felt that that was not something
 10 you see out on the streets. And I asked him, "Why
 11 would you do it?" And they said, "Well, to prevent
 12 the exchange of DNA from your body to another body."

13 **Q. Now, let me ask you this: where did you**
 14 **get all that information about putting on the**
 15 **gloves, grabbing W.S. by the scruff of the neck, the**
 16 **foul language that was used, where did all that**
 17 **information come from?**

18 A. Security and the SRO and W.S. himself.

19 **Q. Okay. Now, let's focus on W.S. and his**
 20 **connection to D.M. and perhaps spillover issues that**
 21 **you testified relating to these groups that might**
 22 **result in violence at the schools.**

23 At D.M.'s deposition, you alluded to it
 24 from questions from Mr. Bullion, there was an
 25 Instagram or Snapchat post that somehow the district

Page 147

1 got ahold of. Are you familiar with that? Was it
 2 Instagram or Snapchat?
 3 A. I believe it was Snapchat.
 4 **Q. Okay. And I'm doing this from memory, but**
 5 **there was handwritten notes and they were introduced**
 6 **at D.M.'s deposition where somebody's trying to**
 7 **identify the participants where they write W.S. and**
 8 **they write the names of other students. Are you**
 9 **familiar with that handwriting that's on those**
 10 **notes?**

11 A. Yes, that's my handwriting.

12 **Q. And why were you trying to identify**
 13 **individuals in those exchanges?**

14 A. To protect them, to try and keep them from
 15 turning -- from blowing up into something larger.

16 **Q. Okay. And was W.S. identified in the**
 17 **deciphering of the identities of these students?**

18 A. Yes.

19 **Q. And was D.M. identified?**

20 A. Yes.

21 **Q. Okay. And to speed this along a bit, but**
 22 **correct me if I'm wrong, was D.M. the guy that was**
 23 **identified as "the snitch and the pussy?"**

24 A. Yes. That's what he was accused of, yes.

25 **Q. And was one of the accusers W.S.?**

Page 148

1 A. Yes.

2 **Q. And does that have any significance to you**
 3 **in trying to connect all these dots about groupings**
 4 **and potential violence when we have this other**
 5 **incident surface at the football game between W.S**
 6 **and the Mondragon's plus the electronic messaging**
 7 **that we just talked about?**

8 A. Yes. Definitely.

9 Now, my concern goes pretty deep. New
 10 Mexico is a -- New Mexico is essentially one big
 11 small town. And the reason I say this is, R.R.'s
 12 mother, Elaine Rodriguez, originally is Elaine
 13 Romero from Santa Fe. Her older brother, Nathaniel
 14 impregnated my older sister, Marina, in 1986. I'm
 15 familiar with the Romero family, and I'm familiar
 16 with the Rodriguez family that she married into.

17 The Romero family that my nephew is a part
 18 of Adrian, Elaine is his aunt. And every negative
 19 thing that my nephew does to this day, I connect to
 20 Romero family. Okay. The drug use, the
 21 unemployment, the lack of motivation. Okay.
 22 Unfortunately for my nephew Adrian, he spent quite a
 23 bit of time with the Romeros, and I knew that that
 24 was a home that I didn't want -- that family's
 25 influence I knew would be negative on anybody who

Page 149

1 was near them. Okay.

2 So when I started dealing with R.R., and
 3 his mother came in the first time, I recognized her
 4 as being Nathaniel's younger sister and I understood
 5 who I was dealing with.

6 **Q. Okay. All right. Well, thank you for**
 7 **that additional background information.**

8 Now, so you also have then some personal
 9 knowledge without going into more detail at this
 10 point as some of the family ties of some of these
 11 students and participants; is that fair to say?

12 A. Yes. That would be the only family.

13 **Q. Thank you.**

14 A. That I had intimate knowledge of how they
 15 may be operating.

16 **Q. All right. Now, Mr. Bullion asked you**
 17 **some questions relating to the 504 IEP meeting. Do**
 18 **you recall that? It's been a couple hours now when**
 19 **he's asking you those questions.**

20 A. Yes.

21 **Q. Okay. Have you reviewed any tape of that**
 22 **meeting particularly towards the end of the meeting**
 23 **when there was an exchange between Mr. Mondragon,**
 24 **his wife and the principal Scott Affentranger?**

25 A. I have not reviewed it, no.

38 (Pages 146 to 149)